

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|-------------------|
| PAUL ALBEE, individually and derivatively on behalf of Aromatic Fusion, Inc. | : | |
| | : | |
| | : | CIVIL ACTION |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | NO. 2:21-cv-03984 |
| | : | |
| ERIC ALBEE | : | |
| and | : | |
| WHITE BEAR TRADING COMPANY | : | |
| | : | |
| Defendants | : | |
| | : | |
| and | : | |
| | : | |
| AROMATIC FUSION, INC. | : | |
| | : | |
| Nominal Defendant. | : | |
| | | |
| AROMATIC FUSION INC. | : | |
| and | : | |
| WHITE BEAR TRADING COMPANY, | : | |
| | : | |
| Third-Party Plaintiffs | : | |
| | : | |
| v. | : | |
| | : | |
| MARY ANN ALBEE, | : | |
| SANDRA ALBEE KEELEY, | : | |
| and P3n TECHNOLOGY INC. | : | |
| | : | |
| Third-Party Defendants | : | |
| | | |

ORDER

AND NOW, this _____ day of _____, 2022, upon
consideration of Plaintiff/Counterclaim Defendant Paul Albee and Third-Party Defendants Mary

Ann Albee, Sandra Albee Keeley and P3n Technology, Inc.'s Motion to Dismiss Counterclaim and Third-Party Complaint, and Defendant/Third-Party Plaintiff's response thereto, it is hereby ORDERED that the Motion is GRANTED and the Counterclaim and Third-Party Complaint are dismissed with prejudice.

SO ORDERED:

Hon. Petrese B. Tucker, U.S.D.J.

P3n Technology, Inc., by their attorneys Semanoff Ormsby Greenberg & Torchia, LLC, hereby move to dismiss the Counterclaim and Third-Party Complaint due to their legal insufficiency pursuant to Federal Civil Rule of Civil Procedure 12(b)(6).

SEMANOFF ORMSBY
GREENBERG & TORCHIA, LLC

BY:



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*Attorneys for Plaintiff Paul Albee
and Third-Party Defendants Mary Ann Albee,
Sandra Albee Keeley and P3n Technology, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below service of a true and correct copy of the attached Motion to Dismiss Counterclaim and Third-Party Complaint was made via ECF notification and email to the following:

Alan B. Epstein, Esquire
Jennifer Myers Chalal, Esquire
Spector Gadon Rosen Vinci, P.C.
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*Attorney for Defendants
and Third-Party Plaintiffs*



STEPHEN C. GOLDBLUM, ESQUIRE

DATED: December 20, 2021